

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

TERA A. McMILLAN,)
)
)
Plaintiff,)
)
)
v.) CASE NO. 2:07-cv-001-WKW
)
)
ALABAMA DEPARTMENT OF)
YOUTH SERVICES, *et al.*,)
)
)
Defendants.)

ORDER

This case is before the court on two motions filed by Defendant Alabama Department of Youth Services (“DYS”): Motion for Leave to File Supplemental Reply Brief (Doc. # 85) and Motion to Consolidate (Doc. # 86).

In the Motion to Consolidate, DYS seeks to have this case consolidated with *Hardy v. Wood*, 2:08-cv-15-MHT. A court has discretion to consolidate cases if they involve a common question of law or fact. Fed. R. Civ. P. 42(a). While the cases here may involve a common question of law or fact, they also have different questions of law and fact and are at different litigation stages. This case is at the summary judgment stage, but discovery has just begun in *Hardy v. Wood*, and there is a pending motion to stay discovery in that case. This case is set for trial on July 28, 2008, while dispositive motions in *Hardy v. Wood* are due on July 29, 2008. Consolidating these cases cause prejudice to the parties in this case by postponing the trial.

Accordingly, it is ORDERED that:

1. The Motion to Consolidate Cases (Doc. # 86) is DENIED.
2. The Motion to File Supplemental Brief is GRANTED. The brief is deemed filed.
3. The plaintiff is ORDERED to file a response to the Supplemental Brief **on or before March 24, 2008**. There shall be no further briefing without leave of court.

DONE this 13th day of March, 2008.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE